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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,654	10/06/2000	David Allison Bennett	PSTM0015/MRK	9943
29524	7590	01/27/2006		
KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710			EXAMINER WEBB, JAMISUE A	
			ART UNIT 3629	PAPER NUMBER
DATE MAILED: 01/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,654

Applicant(s)

BENNETT ET AL.

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 22-25, 53-56 and 71-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26-52 and 57-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20051107</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-21, 26-52, and 57-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara (6,233,568) in view of UPS® Service Guide (www.ups.com) and FedEx® Services (www.fedex.com) and Barnett et al. (6,369,840).
4. With respect to Claims 1-4, 13-19, 21, 26-28, 32-35, 44-50, 52, 57-59, and 63-67: Kara discloses an onscreen interactive display with a selection and comparison section for a plurality of carriers with a plurality of services (See Figure 8). Kara discloses a display where the rates of each carrier are displayed adjacent to the selected services (See Figures 8A). However Kara

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does not specifically disclose the rates being calculated with respect to time. Both UPS® and FedEx® disclose specific services where they are guaranteed delivery by a certain time in the day. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the time sensitive “urgency” services, as disclosed by FedEx® and UPS®, in order to ship thing and compete with a time advantage using guaranteed delivery times and to reduce costs, when delivery time is not of importance. (See Fed Ex Page 1). Kara, UPS® and FedEx® fail to disclose the use of a graph which simultaneously displays a graph of shipping fees and services, where one axis being date and one axis being time and where each cell is located at the intersection of the date and time. Barnett discloses the use of a calendar which can be used for online purchasing of services (column 2, lines 63-67), where there is a graphical representation of date on one axis and time on another (See Figure 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to display the calculation of shipping rates, calculated by Kara, UPS® and FedEx®, in the format of a plurality of cells with date on one axis and time on another, as disclosed by Barnett, in order to provide a multi-layers system wherein different categories can be overlaid on one another providing a single integrated display that allows a user to order or purchase a system based on the calendar day and time (See Barnett, column 2). The examiner considers that when the rates are displayed in a matrix, then each of the rates are displayed adjacent to the axis, and therefore displayed adjacent to the time and date of the service.

5. With respect to Claims 5 and 36: Barnett discloses subdividing each cell with the plurality of services (See Figures 12 and 13).

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6. With respect to Claims 7 and 38: Barnett discloses the display can be checked (See Figures 8 and 9 with corresponding brief descriptions), and therefore the examiner considers this to be a selection button.

7. With respect to Claims 6, 20, 37 and 51: Kara and Barnett above discloses the claimed invention, but fails to disclose the use of colorizing the display. It is old and well known in the art that colorizing a display so distinguish one service or one carrier from another. This is done in legends on a map, or a legend in a bar graph, where each bar is colorized to represent a specific group of data. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to colorize the display so that each carrier has a different color, due to the fact that this technique is old and well known in the art.

8. With respect to Claims 8-12, 29-31 and 39-43, 60-62, 68-70: Kara and Barnett disclose the use of the interactive display but fails to disclose when the curser is placed on the cell it displays details of the specific service (in this instance details of the carrier and service). It is old and well known in the art that when a selection or service that is available, when a cursor is placed over the selection a detailed popup window is displayed and once the service is clicked on it is started up. This is done in the Microsoft® Windows™ environment. When a cursor is placed over a file a more detailed description of the file is popped up, and once the file is slicked on, the file is opened up or the program is started. This is done in the taskbar that is located at the bottom of the monitor. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pop up window giving details of the carrier

service and then once the cell is clicked the service is selected, due to the fact that this feature is old and well known in the art to display more detailed information upon selection.

9. With respect to Claims 9, 10, 12, 31, 40, 41, 43, 62 and 70: Kara discloses once the service is selected a shipping layer with respect to the carrier is displayed (See Figure 9).

Response to Arguments

10. Applicant's arguments with respect to claims 1-21, 26-52 and 57-70 have been considered but are considered not persuasive.

11. With respect to Applicant's argument that Kara does not disclose "wherein each respective service-specific, carrier-specific shipping rate is displayed adjacent a display indicating a respective time and date": The claims disclose that the rate is disclosed adjacent a display, which contains a date and time, not actually adjacent the date and time. As stated above, the combination of references links a date and time with the service (urgency), therefore the combination of references discloses showing a rate adjacent a display which contains date and time.

12. With respect to Applicant's argument that Kara does not disclose a simultaneous display of shipping rates for each service: Kara discloses calculating shipping rates for multiple services, however as stated in the 103 rejection above, Kara fails to disclose the simultaneous display of shipping rates, a simultaneous display of rates and is taught by Barnett. Kara is used to show that multiple services for multiple carriers are calculated. The applicant has argued that Kara discloses the user must first disclose the delivery parameters are selected, then Kara will calculate the shipping rate for each carrier that supports the desired shipping and/or delivery

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parameters. In Column 22, Kara also discloses the delivery parameters can be weight size, class and zone, it does not necessarily need to be service. The applicant has argued that Kara discloses calculating only one rate per carrier. As stated earlier, Kara is not relied on to teach the simultaneous display of shipping rates; the Barnett reference is used to teach that. Therefore argument considered non-persuasive.

13. With respect to Applicant's arguments that UPS® and FedEx® does not disclose the simultaneous calculation of rates for a plurality of services: The rejection does not rely on the above mentioned references for teaching this limitation. Kara teaches the use of calculating rates for a plurality of services for multiple carriers, and teaches that the rates are calculated based on rules of the carrier. The UPS® and FedEx® references are to show the use of delivering packages by a specified time and date and that there are multiple services which guarantee delivery by a certain date and time. Therefore showing the ability to determine a time in which the package would arrive. Barnett is used for the display purposes, where time and date of services are displayed. The combination of the three references together show the use of a display where rates are displayed with respect to date and time for a plurality of services for multiple carriers. Therefore rejections stand as stated above.

14. With respect to Applicant's arguments that there is no teaching or suggestion and the examiner has not identified any teaching or suggestion found in the prior art to make the claimed combination: The 103 rejection contains a motivation to combine, and specifically points to Column 2, of Barnett), see above for motivation.

15. With respect to Applicant's argument that the combination of references do not disclose, anticipate, teach or suggest all of the claim limitations of the claims: The applicant is arguing

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that the Barnett discloses a multi-layered calendaring system wherein different events belonging to different categories are overlaid, and does not disclose the display for a “single event”. First, the claims never state the phrase “single event”. Second different categories can be considered to be different services. Furthermore, Barnett discloses the layering of calendars, therefore each layer must be created first before layering, therefore each layer would be a single event. Kara teaches the calculation of multiple rates, Barnett is used for a simultaneous disclose of rates of services and shipping is considered a service. Whether the calendar is of different categories or multiple events is irrelevant, the number of categories or number of events that are displayed on Barnett does not effect the fact that Barnett discloses a calendar with date and time where services are displayed for the date and time. Delivery is considered to be a service, and the act of delivering the item is considered an event, therefore the combination of Kara and Barnett discloses the claimed invention. Rejection stands as stated above.

16. With respect to Applicant’s argument that the Examiner’s statement regarding technology involving the placement of a cursor does not specifically identify evidence expressly showing that the technology predates the priority date of the present application: The examiner has stated that it is old and well known in the art, and stated that it would have been obvious “at the time the invention was made” therefore indicating that this was done prior to the priority date of the invention. The Microsoft Windows operating system has been around since Windows 95, which is in 1995, prior to the applicant’s invention. The examiner has stated the “clicking of a cell” is old and well known in the art, together with the Barnett reference disclosing a calendar of services, and Kara discloses calculating rates for multiple carriers for each service, the combination would disclose the clicking of an “online interactive display as a selection...of a

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particular service... by a particular carrier... for a particular parcel”. Barnett discloses the use of hyperlinks that will pop up a second window separate from the main window with detailed information, this together with Kara would disclose clicking a cell (the hyperlink is in the cell), of an “online interactive display of a selection... of a particular service”. The combination of all the references, teach this limitation. For these reasons the rejection is considered valid and stand as stated above.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

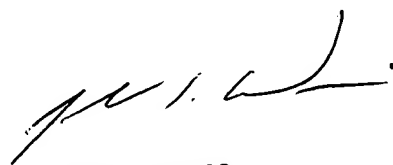
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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